

## DECANT POLICY

### NEWARK & SHERWOOD DISTRICT COUNCIL YORKE DRIVE ESTATE – RESIDENT DECANT POLICY (MOVING FROM YOUR HOME) NOVEMBER 2019

#### **1.0** Purpose

- 1.1. The council has an ambitious estate regeneration plan for the Yorke Drive estate and Lincoln Road playing fields in order to deliver transformational change to the area. This includes a phased programme of house demolitions on part of the estate, which will involve the need to undertake ‘decants’ – moving residents from their existing homes.
- 1.2. At the Policy & Finance Committee on 29<sup>th</sup> November 2018 the principles of a ‘Resident Offer’ were approved, which state that:

*‘As the Yorke Drive regeneration scheme proceeds the Council will need to provide affected residents with rehousing options that meets their housing needs, provides financial compensation and a dedicated officer support.’*

#### ***The Council will:***

1. *Work with residents on a one to one basis to understand their needs, expectations and concerns.*
  2. *Provide dedicated officer support and a single point of contact.*
  3. *Provide a positive financial compensation package to residents move and practical support during the move.*
  4. *Provide clear and accurate information.*
  5. *Provide additional support and assistance to residents that are more vulnerable.*
- 1.3 This **Decant Policy** (the Policy) shows the council’s commitment to those residents of Yorke Drive who are required to move because their home is scheduled for demolition as part of the estate regeneration plan. It will also set out the council’s commitment to council (*secure*) tenants, homeowners (*resident and non-resident owners*), leaseholders and private sector tenants.
- 1.4 The council will ensure all residents receive the proper notice when they have to leave their old property in line with its legal duties and social responsibilities, enabling the council to obtain vacant possession of those parts of the estate designated for demolition and then redevelopment.

#### **2.0** Aims

- 2.1 The aims of the Policy are to:
- a. Ensure that tenants and residents are aware of their rights and compensated appropriately for their home loss in accordance with legislation.
  - b. Provide tenants and residents with a clear process for decant and rehousing, to ensure their options are clearly explained.

- c. Ensure statutory compliance with relevant legislation.
  - d. Minimise disruption to tenants and residents.
  - e. To meet the housing needs of statutory (Council) existing tenants.
- 2.2 The council will exercise discretion in applying the Policy but will comply with duties imposed by statute, any relevant mandatory code of guidance and its own policies.
- 2.3 The council will demonstrate commitment to ensuring that no person receives less favourable treatment on the grounds of their protected characteristics as defined in law: age; disability; gender; gender reassignment; marriage and civil partnership; pregnancy and maternity; race and ethnicity; religion and belief; gender and sexual orientation.

### **3.0 Scope**

- 3.1 The Policy applies to households directly affected by the Yorke Drive estate regeneration plan and demolition programme, with specific provision detailed as below:
- a) Resident Offer for secure (*council*) tenants - Appendix A.**
  - b) Resident Offer for homeowners (*resident and non-resident owners*), leaseholders and private sector tenants - Appendix B.**
- 3.2 The Policy should be read alongside the council's current Allocations Scheme; [www.newark-sherwooddc.gov.uk/applyforacouncilproperty](http://www.newark-sherwooddc.gov.uk/applyforacouncilproperty)

### **4.0 Legislation**

- 4.1 Relevant legislation, policies and strategies used to formulate the policy are set out below (*including legislation as subsequently amended or re-enacted*):
- Land Compensation Act 1973
  - Housing Act 1985
  - Housing Act 1996
  - Town and Country Planning Act 1990
  - Human Rights Act 1998
  - Homelessness Act 2002
  - Homelessness Reduction Act 2017
  - Housing Act 2004
  - Section 138C of the Housing Act 1985, which was inserted by Section 183(2) of the Housing Act 2004
  - Housing and Regeneration Act 2008
  - Equality Act 2010
  - Housing and Planning Act 2016
  - Council's Allocations Scheme
  - Council's Equalities policy

## 5.0 Identifying Housing Need

5.1 The council is committed to understanding the individual circumstances of each household directly impacted by the demolition proposals. To understand individual circumstances the council will offer a range of contact including:

- Home visits at a time convenient to the resident
- Through a door-to-door survey
- Through advertised surgeries and drop-ins

5.2 The council will write to and/or visit each resident affected by the demolition, offering the above options to collect information about:

- The residents personal circumstances
- The household composition
- Any specific needs
- Support required
- Agencies involved with household

5.3 A decant rehousing application will be completed with those council tenants affected to assess their requirements, including any health issues affecting housing need (*which will require a separate medical assessment to be completed*), in accordance with the councils Allocations Scheme.

5.4 Homeowners (*resident and non-resident owners*), leaseholders and private tenants will have the opportunity to discuss their future housing aspirations. In order to identify the housing options available to them, which include rehousing on the estate, rehousing elsewhere within Newark and Sherwood, outright purchase of a property or shared ownership/equity stake.

## 6.0 Financial and other assistance

### ***Home Loss***

6.1 The council will meet its statutory obligations for Home Loss compensation. The specific compensation for council tenants, homeowners (resident and non-resident owners), leaseholders and private tenants are detailed in the appendices.

### ***Disturbance Payment***

6.2 Affected residents may also claim disturbance payments to cover **reasonable costs** incurred when moving, which will be within the parameters of the approved budget set by the Council.

6.3 A 'Resident Payment Procedure' is to be published separate to the Policy (please now see the Yorke Drive Resident-Compensation Guide). This will set out for residents what activities constitute reasonable costs and the approach to manage a claim, i.e. a lump sum payment per property type or individually receipted claims.

## **7.0 Additional Support**

7.1 Vulnerable tenants and residents will be supported through the decant process and encouraged to work closely with officers to ensure the application, rehousing process and house moves go as smoothly as possible with minimal disruption.

7.2 Additional practical support may include:

- Organising removals
- Arranging the disconnection & reconnection of white goods and utility connections
- Arranging postal redirection services
- Arranging disconnection of cable/satellite TV services
- Packing and removals;
- Assistance with Choice Based Lettings
- Accompanied viewings
- Support with Housing Benefit or Universal Credit Claims
- Clearance of unwanted items
- Referrals to further support agencies

7.3 A tailored package of support will be drawn up on a case-by-case basis depending on a residents need.

## **8.0 Tenant Rights**

8.1 The council is committed to local people remaining in the area and to giving them the right to return to the redeveloped estate in accordance with the Policy, with all secure council tenants retaining the same terms and conditions of tenure.

8.2 Council tenants from the Yorke Drive estate who choose to live on the regenerated estate will remain tenants of the council if that is their preference; their tenancies will be lifetime secure tenancies with the council as their landlord.

## **9.0 Appeals**

9.1 There may be occasions where residents do not agree with a decision made by the council under this policy and may choose to appeal a decision. Examples of issues that may be subject to an appeal include but not limited to:

- A decision as to who qualifies for rehousing
- A medical adviser recommendation, decision on bed size entitlement
- Direct offers in circumstances where the bidding process is unsuccessful or a temporary decant is required
- Deductions from home loss payments
- Decisions not to make a discretionary home loss payment
- A property valuation

- 9.2 A request for an appeal can be made in writing or in person to the council. The council will accommodate and support those who need extra help in submitting an appeal or during any part of the appeal.
- 9.3 The appeal submission has to be made within 21 days of the date that the person appealing received written notification or notice of the decision they are appealing against.
- 9.4 An officer from the council, not involved in the original decision will review the decision and consider whether to uphold or not uphold the appeal. If the appeal is upheld a new decision will be issued. If the appeal is not upheld the original decision will remain valid.
- 9.5 Where the appeal relates to a property valuation for the purposes of the council purchasing a property, the homeowner may choose to have an alternative independent valuation undertaken at their own expense. The Council will only pay for one independent valuation. If the second valuation is higher/ lower than the Councils independent valuation, they will take into consideration the difference when negotiating a final purchase price.
- 9.6 If the resident remains unhappy with the decision a further escalation of the decision can be requested. The appeal will be considered by a designated senior council officer, not involved in the original decision. Such designated officer will be suitably qualified and experienced in considering appeals and not directly employed in the Yorke Drive regeneration.
- 9.7 The final decision will be communicated to the person appealing in writing (and by whatever other means requested) within 14 days of the written appeals submission.
- 9.8 There is no further appeal to the council. This does not exclude any appeals to the relevant court and the Ombudsman and any other support or remedy available to the appeal applicant.

**Resident Offer: Secure/ Council Tenants**

1. This appendix sets out how the council intends to manage the process of moving its secure tenants (council tenants) from their homes in order to facilitate the regeneration of the Yorke Drive Estate.
2. The background for the Policy is set out in the principles of the 'Resident Offer' for Council tenants, which states that:
  - *Tenants will be offered a new rented home in Yorke Drive or an existing rented home on the estate, or elsewhere across the district if they so wish.*
  - *The Council will build enough new Council rented homes on the estate to meet this commitment.*
  - *Tenants will receive financial compensation to help them move, in the form of a lump sum Home Loss Payment (currently £8,100 as of October 2023) and a Disturbance Payment to help cover the actual costs of moving.*
  - *Tenants can be rehoused in homes close to existing neighbours or relatives if they wish.*
  - *Tenants who are currently under-occupying) will have the opportunity to have an extra bedroom (although tenants with that bed size need will have priority).*
  - *Tenants who want to wait for a particular area of the development to be built out may be able to arrange temporary moves.*
  - *The new homes will be built to meet the needs of residents with specific support or health requirements*

**Meeting existing tenants housing need**

3. A decant rehousing application will be completed with tenants where their housing needs and aspirations will be discussed, including any health issues affecting housing need (*which will require a separate medical assessment to be completed*), and assessed in accordance with the councils Allocations Scheme.
4. The information gathered will inform unit size, floor level and mobility needs for each household, along with the level and types of support needed.
5. Tenants will be supported to choose a rehousing option, subject to eligibility criteria or any exceptional circumstances for rehousing.
6. In accordance with the Allocations Scheme the size of alternative accommodation offered will depend upon the household's housing needs and the number and ages of the individuals who are deemed to be authorised occupants at the time of the move.
7. Those tenants who are currently under-occupying their home and wish to retain an additional bedroom over their assessed need will be supported, although tenants with that bed size need will have priority. This is in order to ensure the best use of stock.

### Rehousing Options

8. The council is committed to provide tenants who are losing their home through the demolition programme with a new council rented home in Yorke Drive or an existing council home on the estate/across the district. The rehousing options for a Yorke Drive council tenant affected by the demolition programme are summarised in the table below:

OPTION	YORKE DRIVE COUNCIL TENANTS - REHOUSING OPTIONS
1.	<p data-bbox="336 510 1355 584"><b>Where a council tenants preference is to move into one of the newly built affordable homes on the estate</b></p> <ul style="list-style-type: none"> <li data-bbox="336 629 1355 703">▪ The council will aim, where possible, for the new affordable homes to be completed before a tenant moves out of their existing property.</li> <li data-bbox="336 748 1355 822">▪ The tenant will retain the same terms and conditions of their secure tenancy, with the council as their landlord.</li> <li data-bbox="336 866 1355 940">▪ Consideration will be given to tenants who wish to move to homes close to existing neighbours and support networks.</li> </ul>
2.	<p data-bbox="336 981 1355 1055"><b>Where a council tenants preference is to transfer to an existing affordable home through the Councils Allocation Scheme</b></p> <ul style="list-style-type: none"> <li data-bbox="336 1099 1355 1211">▪ If a tenant wants to move to an existing property on the estate or elsewhere in the district, this can be facilitated through the Councils Allocation Scheme.</li> <li data-bbox="336 1256 1355 1368">▪ Opportunity for a management transfer will generally apply 12 months before the tenants home is programmed for demolition or when final demolition notice is issued, whichever is sooner.</li> <li data-bbox="336 1413 1355 1487">▪ Exceptions may be made where limited rehousing offers are available to meet a specific need or to facilitate the earliest phase of development.</li> <li data-bbox="336 1532 1355 1756">▪ Where more than one household from the Yorke Drive estate wishes to move to the same property, the length of time residing at the original Yorke Drive property will determine priority. <i>(The terms of the Housing Allocations policy shall continue to apply, in line with the requirement to have a Local Lettings policy under Section 166A (6) (b) of the Housing Act 1996).</i></li> <li data-bbox="336 1800 1355 1912">▪ If a tenant has not been successful finding a new property within the fixed period set and vacant possession of their existing home is required, the Council will make up to two direct offers of a suitable home.</li> <li data-bbox="336 1957 1355 2069">▪ The Council will offer tenants moving permanently to another Council property the same terms and conditions of tenancy (secure), with the council as their landlord.</li> </ul>

3.	<p><b>Where a council tenants preference is to become a homeowner through a shared ownership scheme</b></p> <ul style="list-style-type: none"> <li>▪ Tenants will receive priority for new homes being built for shared ownership on the estate.</li> <li>▪ The appropriate advice on this option will be offered, though the tenant will need to seek independent legal advice to ensure this option is affordable.</li> <li>▪ The minimum proportion to be purchased will be 25%, with the ability to purchase increased shares over time up to 100%.</li> </ul>
4-	<p><b>Accept a temporary rehousing offer but have the option to return to a new home on the Yorke Drive Estate once construction is complete</b></p> <ul style="list-style-type: none"> <li>▪ The council aims to minimizing disruption to tenants by committing to one move only (from existing to new permanent home) unless by prior agreement with the tenant.</li> <li>▪ If it is not possible to complete the new-build homes before a secure tenant moves out of their old property, the council will offer to temporarily re-house the secure tenant until construction of the new home is complete.</li> </ul>

9. Tenants requiring adapted homes will be assessed in line with the Allocations Scheme and a property allocated in accordance with this.

10. Tenants will be advised in writing, once all the information has been provided and the application assessed, of their application reference, bed size entitlement, mobility need (if applicable) and original tenancy start date.

**Debts and Rent Arrears**

11. The council reserves the right to seek to use part or all of the home loss payment to settle outstanding debts owed to the council by the tenant. The council will also seek to recover housing benefit overpayments, former tenant arrears and former temporary accommodation arrears from the home loss payment. In these circumstances, the council will write to the tenant detailing the debt type and amounts and setting out the deductions from the home loss payment.

12. It is the tenant's responsibility to keep up with the rent payments throughout the term of any tenancy they hold during the decanting programme.

13. Officers will discuss rent arrears with tenants during the rehousing interview phase. Tenants will be helped to make the relevant housing related benefit claims and referred to debt advice and support schemes for help with managing their income, where appropriate.

14. If arrears action has been started and a court date for outright possession or the execution of a warrant has been applied for, the council will continue with possession proceedings and enforcement that has already commenced where appropriate, with each situation considered on a case-by-case basis.
15. Rent arrears on any temporary accommodation (if required) will be dealt with in line with the Council's Arrears Recovery Procedure. All tenants will receive written information about their rights and responsibilities in their temporary home upon signing the tenancy agreement.

### **Qualifications & Exclusions**

16. As detailed in the Council's Allocations Scheme the following will be eligible for assistance and rehousing under the Decant Policy, as persons who would reasonably be expected to reside with the tenant, in line with the council's Allocations Scheme:
  - Secure / joint tenants of the council
  - Existing household members originally housed with the tenant by the council under part VI Housing Act 1996 (Allocation of Housing)
  - Dependent children who normally reside with the tenant
  - The long-term cohabiting partner of the tenant
  - Adult relatives who are part of the household and would be reasonably expected to reside with them
  - Carers – where the secure tenant is recognised, through a detailed Care Plan, as needing a carer.
  - Spouses living at the property with the tenant or who are identified as eligible through the Estate's Housing Needs survey.
17. Household members excluded from applications:
  - Friends, lodgers and sub-tenants living with the tenant
  - Any household member who has moved in and caused the household to be overcrowded
  - Children of the tenant whose main/principal home is elsewhere
  - Assistance with rehousing will only apply to secure tenants and authorised household members identified as part of the household in the housing needs survey.
18. Tenants may be asked to provide documents to support the length of residency of some household members to satisfy the council as to their eligibility for inclusion as a household member.

**Resident Offer – Homeowners (*resident and non-resident owners*), leaseholders and private sector tenants**

1. This appendix sets out how the council intends to manage the process of working with homeowners (*resident and non-resident owners*), leaseholders and private sector tenants in order to facilitate the regeneration of the Yorke Drive Estate.

**Rehousing Options**

2. The council is committed to provide homeowners (*resident and non-resident owners*), leaseholders and private sector tenants who are losing their home through the demolition programme with the most appropriate housing option and/or compensation, summarised in the table below:

OPTION	YORKE DRIVE ESTATE - HOUSING OPTION AND/OR COMPENSATION
1.	<ul style="list-style-type: none"> <li>▪ Resident owner occupiers will receive compensation equivalent to the market value of their homes plus a home loss payment of 10% of the market value. <i>An independent valuation will be necessary and paid for by the Council.</i></li> <li>▪ Where a resident owners wishes to stay on the Yorke Drive estate, there will be the opportunity to purchase one of the newly built homes either outright or on a shared ownership / equity basis. The full purchase price of their property plus any Home Loss Payment should be invested into meeting part of the value of a new home.</li> <li>▪ Alternative options for re-housing may include:               <ul style="list-style-type: none"> <li>○ Reverting to a tenancy (<i>only where it is evidenced that the resident cannot afford to purchase a new home outright or on a shared equity basis</i>)</li> <li>○ A swap to another Council property of similar value</li> <li>○ <i>A bespoke and equitable solution based on the resident's individual needs</i></li> </ul> </li> </ul>
2.	<p><b><i>Non Resident Owners</i></b></p> <ul style="list-style-type: none"> <li>▪ Non-resident owner occupiers will receive compensation equivalent to the market value of their home plus a home loss payment of 7.5% of the market value.</li> <li>▪ <i>An independent valuation will be necessary and paid for by the Council.</i></li> </ul>
3.	<p><b><i>Private Tenants</i></b></p> <ul style="list-style-type: none"> <li>▪ <i>Private tenants who have been living in their home for at least a year and with a qualifying interest in the property (including but not limited to assured or short hold-assured tenancy agreement) may be eligible for statutory home loss payment.</i></li> </ul>

	<ul style="list-style-type: none"><li>▪ <i>The Council will offer advice and support to enable private tenants to find alternative accommodation in line with relevant Homelessness Legislation and the Councils Allocation Scheme.</i></li></ul>
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***Compulsory Purchase Order***

3. The Council has approved process to instigate a Compulsory Purchase Order with regard to the acquisition of properties identified for demolition, though this is seen very much as a last resort where all other avenues to reach a suitable, voluntary agreement with the homeowner, set against the 'Resident Offer' principles, cannot be reached.